

RULES

COMMITTEE

55

David Whitaker, Esq.
Director
Irvin Corley, Jr.
Executive Policy Manager
Marcell R. Todd, Jr.
Senior City Planner

LaKisha Barclift, Esq.
M. Rory Bolger, PhD, AICP
Timothy Boscarino, AICP
Elizabeth Cabot, Esq.
Janese Chapman
Tasha Cowen
Richard Drumb
George Etheridge

City of Detroit

CITY COUNCIL

LEGISLATIVE POLICY DIVISION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-4946 Fax: (313) 224-4336

Deborah Goldstein
Christopher Gulock
Derrick Headd
Marcel Hurt, Esq.
Kimani Jeffrey
Anne Marie Langan
Jamie Murphy
Analine Powers, PhD
Sabrina Shockley
Thomas Stephens, Esq.
David Teeter
Theresa Thomas
Kathryn Lynch Underwood

To: The Honorable City Council
From: David Whitaker, Director
Legislative Policy Division
Date: January 22, 2019
Re: Public Comment Report

At City Council Formal Session on January 15, 2019, Council President Jones directed the Legislative Policy Division to produce a report on issues concerning the Public Comment section of open City Council meetings.

The Rules of Order for the Detroit City Council provide three ways for the public to address City Council. First is through the petition process filed with the City Clerk. Second is during the Public Comment section of the agenda, as provided by the Open Meeting Act. Third is comment during a Public Hearing.

The petition process is outlined in *Section 22.0* of the Rules:

22.0 PROCEDURES FOR PERSONS WISHING TO ADDRESS COUNCIL

A person shall be permitted to address a meeting of the City Council subject to the following rules:

A brief written notice of a request to address the City Council shall be filed with the City Clerk not later than 2:00 PM of the business day immediately preceding the day of the scheduled meeting to which the request pertains. The Clerk shall provide reasonable assistance in the preparation of such request to any person requesting assistance.

A written notice of a request to address the City Council shall identify the person making the request. Identification shall include: full name, address (both resident and business), phone number, and shall state the subject matter on which such person wishes to address the City Council.

Upon approval of the request by the Body, the Chair of the Standing Committee or Committee of the Whole shall have the discretion as to when during the meeting the person shall be heard and shall also have the discretion to impose a reasonable limitation on the time allotted to hear such person.

This procedure shall not apply to scheduled public hearings or to persons invited by the City Council to participate in discussions before the City Council.

The petition process allow for not only individuals but also community groups to do a presentation to the Body that would not be possible during Public Comment or during a Public Hearing.

Council President Jones specifically asked three questions concerning public comment.

1. "Process to determine the length of time allocated to individuals to speak during public comment."

The Chair determines the order of speakers and length of time they may speak.

22.3 Public Testimony And Communications Encouraged: The policy of the Detroit City Council is to encourage and permit public testimony before the Council takes legislative action. Members of the public are encouraged to write to the City Council concerning municipal issues. Although the City Council welcomes public testimony at Formal Sessions and at Standing Committee meetings, persons in the audience shall not vocally express support or opposition to statements by Council Members or by persons testifying.

9.23 Public Comment At Standing Committee Meetings: The Committee System of the City Council is designed to hear effective public testimony for and against proposed legislation and to hear suggestions for amendments. At every Standing Committee meeting, there shall be a period set aside for public comment. The Chair shall determine the order of speakers and the length of time they may speak.

2. "History of the length of time allocated to individuals to speak during public comment."

As a matter of practice, the chair of Formal Session, of a Standing Committee, and other Council meetings where public comment is required, has allowed each speaker two minutes during Public Comment. The two minute allocation is adjusted, however, due to the number of speakers at a particular meeting or when circumstances dictate. At times, it has been decreased to one minute or even 30 seconds. It rarely, if ever has been increased. It is the Chair's discretion to determine the length of time allowed. Great care has been exercised to accord all members of the public the same amount of time to speak in order to avoid showing favoritism or bias against individuals.

3. "Feasibility of allowing residents to contact the President's Office to request longer speaking times during Public Comment."

Since parliamentarians have been serving Council, they have always advised that under the OMA, every person has to be allocated *equal time* to speak *during* public comment. Persons wishing to address Council outside of Public Comment should follow the procedure in Section 22 of the Council Rules.

To begin the practice of having individuals call ahead to get extra time may well lead to a situation hard to control, or have unforeseen consequences.

It is my understanding that at the evening community meetings, individuals call the Legislative Policy Division (LPD) and request extra time to speak. LPD, then, notifies the Clerk to add their name to the agenda for the COW evening community meeting. This practice contradicts Section 22 of the Rules and, if it continues, at every evening community meeting, there needs to be a motion to suspend *Section 22* of the Rules. The alternative is an amendment to Council Rules.

Please advise if there are any questions.